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FIRST NAMED INVENTOR APPLICATION NO. FILING DATE ATTORNEY DOCKET NO. CONFIRMATION NO. 09/845,934 04/30/2001 Kumar K. Vishwanathan 110014.129 (WIN-7) 3352 22917 01/05/2004 **EXAMINER** MOTOROLA, INC. TRAN, PABLO N 1303 EAST ALGONQUIN ROAD ART UNIT PAPER NUMBER IL01/3RD SCHAUMBURG, IL 60196 2685 DATE MAILED: 01/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary Examiner Pablo N Tran 2685 The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).			A	pplication No.	Applicant(s)		
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2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)	Attachmen	t(s)					
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DETAILED ACTION

Response to Arguments

- 1. Applicant's arguments with respect to claims 14, 16-18, and 21-26 have been considered but are most in view of the new ground(s) of rejection.
- 2. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
- 3. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Specification

4. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete (page 5, line 11)



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the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
- 6. Claims 14, 16-18, and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by *Naqvi et al.* (6,625,449)

The applied reference has common inventors with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

As per claims 14 and 23, *Naqvi et al.* disclosed a method for use in establishing a group call wherein detecting a group call from a first MS in a first proxy switch, informing the group call request and retrieving info from a list of members of the group in the



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second proxy switch, and establishing a group call between a first and second MS based on the retrieved info (abstract, col. 3/ln. 66-col. 4/ln. 39, col. 8/ln. 38-col. 10/ln. 20).

As per claims 16-18, *Naqvi et al.* disclosed that base on a history of group calls determining to establish multicast session, predicting future demand, or determining a topology of multicast sessions (col. 6/ln. 35-53, col. 8/ln. 38-col. 10/ln. 20).

As per claims 21 and 24, *Naqvi et al.* disclosed the limitation of claims 21 and 24 (col. 8/ln. 38-col. 10/ln. 20).

As per claims 22 and 25, *Naqvi et al.* disclosed the limitation of claims 22 and 25 (col. 8/ln. 38-col. 10/ln. 20).

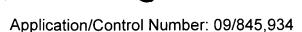
As per claim 26, *Naqvi et al.* disclosed the limitation of claim 26 (col. 8/ln. 38-col. 10/ln. 20).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Naqvi et al. (6,650,909), Naqvi et al. (6,625,420), Vishwanathan et al. (6,633,767), Haggerty (6,331,983), and Graves et al. (6,111,858) disclose group calls in a radiotelephone communication system.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pablo Tran whose telephone number is (703)308-7941.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (703)305-4385.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

9. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

PABLO N. TRAN
PRIMARY EXAMINER

AUZUET

December 28, 2003